

IAM 0467 PA
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Sub E2
Contd

10. (Thrice amended) A process for increasing immunoglobulin concentration in a companion animal [comprising] consisting of a dog or cat, said process comprising the step of feeding said animal a diet containing from about 1 to about 50 mg/day of lutein for a time sufficient for said lutein to be absorbed into the bloodstream of the animal.

012
Contd

11. (Thrice amended) A process for increasing lymphocyte cells in a companion animal [comprising] consisting of a dog or cat, said process comprising the step of feeding said animal a diet containing from about 1 to about 50 mg/day of lutein for a time sufficient for said lutein to be absorbed into the bloodstream of said animal.

Sub D21

12. (Twice amended) A supplement for enhancing immune response of a companion animal [comprising] consisting of a dog or cat, said supplement comprising, on a dry matter basis, from about 0.001 to about 2% by weight lutein.

013

14. (Amended) The supplement as claimed in claim [13] 12 comprising from about 0.01% to about 1% by weight lutein.

Please cancel ~~claim 16~~.

REMARKS

In the Advisory Action mailed December 28, 2001, the Examiner stated that the request for reconsideration filed by the Applicant on June 12, 2000 did not place the application in condition for allowance. The Examiner maintains that the CRC Handbook (cited in the Office Action mailed April 11, 2000) "shows the general knowledge in the art" and provides a "reasonable" expectation that the administration of lutein to any animal would lead one to expect the immunomodulatory response to be similar in all animals. However, as previously pointed out, the general statement that animals may be used to study the diseases of humans does not provide any reasonable expectation that the administration of dietary lutein to a mouse would

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also prove effective in a dog or cat. The Examiner has presented no prior art evidence that dogs or cats are able to assimilate dietary lutein in a manner which affects either's immune system.

Also in the Advisory Action, the Examiner noted that the claims currently employ "comprising" language "which is to be considered open." Accordingly, with this amendment, independent claims 1 and 9-12 have been amended to recite that the claimed process is for companion animals *consisting of* dogs or cats. The claims as amended are now clearly limited to the administration of lutein to dogs or cats.

For all of the above reasons, applicants submit that claims 1-12 and 14, as amended are clearly patentable over the prior art of record. Entry and consideration of the amendment in this continuation application is respectfully solicited.

Respectfully submitted,

KILLWORTH, GOTTMAN, HAGAN
& SCHAEFF, L.L.P.

By Susan M. Luna
Susan M. Luna
Registration No. 38,769

One Dayton Centre
One South Main Street, Suite 500
Dayton, Ohio 45402-2023
(937)223-2050
Facsimile: (937)223-0724